

LAND SURVEYORS SECTION MEETING

MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 10, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Doyle B. Allen
John R. McAden
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Trisha L. Henshaw, Administrative Assistant
Earlyne Perkins, Legal Assistant

No representative of the Office of the Attorney General was present for the meeting.

Mr. Allen, Chair, called the meeting to order at 9:04 a.m.

Call to Order

Mr. Stephenson moved to approve the agenda as written. Mr. McAden seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

Approval of Agenda

Public Comment Period – No comments were made to the Section members.

Public Comment

Mr. and Mrs. L. Gardner Blanks, Complainants, and Mr. Shelby L. Spradlin, Witness, were present to discuss **File Number 2003-00982, William Robert Reeves, Jr.** Mr. Blanks pointed out three items that he believed were not addressed in the Consent Order agreed to by Mr. Reeves. Mr. Blanks stated that there were numerous deficiencies in the survey prepared by Mr. Reeves that affected several property owners.

**L. Gardner and
Martha Blanks,
Complainants, and
Shelby L. Spradlin,
Witness, File Number
2003-00982**

Mr. Spradlin concurred with Mr. Blanks' assessment that several items were either not addressed or not adequately addressed in the Consent Order agreed to by Mr. Reeves.

As the presiding Board member at the Informal Fact-Finding Conference,

Mr. McAden was not present during the presentation.

In reference to **File Number 2003-00982, William Robert Reeves, Jr.**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Reeves. After discussion, Mr. Stephenson moved to defer this item to the APELSCIDLA Board for consideration and requested that the entire record in this matter be provided at the Board meeting. Mr. Allen seconded the motion which was unanimously approved by members Allen and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the discussion or vote.

File Number 2003-00982, William Robert Reeves, Jr.

Mr. Allen transferred the Chair to Mr. McAden and left the room.

Transfer of Chair

In reference to **File Number 2002-03361, J. A. Braddock Smith**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Smith. Mr. McAden moved to recommend to the Board approval of the Consent Order, which cites a violation of 18 VAC 10-20-760(B)(2) of the Board's 1999 regulations. For the violations, a monetary penalty of \$250 is recommended for Count I, and a monetary penalty of \$250 for Count II is recommended. In addition, for the violations, Mr. Smith agreed to successfully complete an eight-hour course and/or seminar to encompass the topic of boundary adjustments and an eight-hour course to encompass the topic of the Board's regulations and statutes. Both courses shall be approved by Board staff and completed within 12 months of the entry of the Order. Mr. Stephenson seconded the motion which was unanimously approved by members McAden and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Allen was not present during the discussion or vote.

File Number 2002-03361, J. A. Braddock Smith

The Section members were provided with various correspondence from the National Council of Examiners for Engineering and Surveying (NCEES). The NCEES Zone Update was provided to the Section members for informational purposes.

Discussion of Correspondence from NCEES

Additionally, the Section members were given a memorandum regarding the upcoming Registration Boards Forum hosted by the National Society of Professional Surveyors held in conjunction with the Annual Meeting of the American Congress on Surveying and Mapping. After Mr. Allen expressed the importance of attending this meeting, Mr. Courtney reviewed the travel budget to determine if funding was available. Mr. Courtney indicated that partial funding may be available for a Section member to attend the meeting.

The Section members were also provided with information regarding proposed amendments to the NCEES Constitution and Bylaws.

The Section members discussed correspondence that was received regarding confusion among regulants of the Board as to who may prepare a Chesapeake Bay Preservation Act compliance plan. The Section members were provided with the responses agreed to by the Professional Engineers Section, Landscape Architects Section, and Architects Section. Nancy McIntyre, a licensed professional engineer and land surveyor who is also in charge of reviewing Chesapeake Bay Preservation Act (CBPA) plans for the City of Virginia Beach, was present to provide information from the perspective of the locality. Ms. McIntyre stated that her department approved approximately 315 CBPA plans in calendar year 2003, not including commercial sites. Of the 315 plans, approximately 80-90% of them were prepared by land surveyors. In addition there are 3-4 landscape architects who prepare and submit CBPA plans, and a few professional engineers. After discussion, the Section members agreed by consensus to recommend to the Board adoption of the following response:

Discussion of
Chesapeake Bay
Preservation Act
Compliance Plans

"The APELSCIDLA Board has reviewed your documentation and has determined that some work associated with the Chesapeake Bay Preservation Act involves the practice of engineering, land surveying, and landscape architecture. However, review of this issue in the past has also revealed that this work may be incidental to other professional work and has determined that architects are competent to perform some of the types of calculations required by the Act.

"As in any activity involving the practices of architecture, professional engineering, land surveying (pursuant to § 54.1-400 so A and B land surveyors are both competent to perform such work), certified interior design, and landscape architecture, if there is a question about the specific competence of an APELSCIDLA Board regulant, then this issue should be specifically addressed at that time through inquiries and complaints to this Board.

"As to the issue of 'redesigning' by the County officials, we would obviously need to know the specifics of individual instances. It is not unusual for regulatory authorities and agencies to request revisions to plans, specifications, reports, and permit applications. However, generally speaking, the professional who has the responsibility, authority, and accountability must concur with each of these revisions."

The Section members were provided with various information regarding Old Dominion University's Civil Engineering Technology (CET) and General Engineering Technology (GET) programs, with specific information regarding the geomatics and surveying-site development portions of those programs. Mr. Stephenson provided additional information to the Section members regarding those programs. After discussion, the Section members agreed by consensus to defer discussion of this matter to the next Section meeting so that Mr. Stephenson can prepare a comparison chart of the CET and GET programs.

Update on Status of
ODU Land Surveying
Programs

At the request of the Section members, Mr. Courtney provided an update on the status of the draft regulations that were adopted at the December Board meeting. Mr. Courtney indicated that they are currently with the Office of the Attorney General awaiting a letter of assurance. After the letter of assurance is received, it will continue through the executive branch review.

Other Business

Mr. Stephenson discussed a conversation that he had with a representative of the examination vendor at the January 22, 2004, examination workshop. The representative suggested that the Land Surveyors Section contact a Pennsylvania Board member regarding the Pennsylvania Board's state-specific examination as they have a very large library of questions. The Section members agreed that the questions would more than likely not be germane to the Virginia-specific examination.

Mr. Courtney informed the Section members that the photogrammetry facilitation meeting is scheduled for February 19, 2004, with two additional meetings planned before a final recommendation is made to the Board at the June 10, 2004, Board meeting.


Conflict of Interest forms were completed by all members present.

Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 11:45 a.m.

Adjourn


Doyle B. Allen, Chair


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: W. R. Stephenson, Jr.
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on February 10, 2004
5. Nature of Personal Interest Affected by Transaction: _____

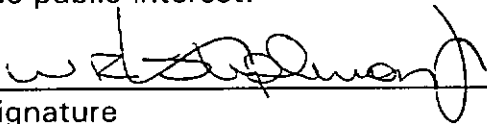
6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date



2-10-04

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Doyle B. Allen
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on February 10, 2004
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Doyle B. Allen
Signature

2/10/04
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: John R. McAden
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on February 10, 2004
5. Nature of Personal Interest Affected by Transaction: Surveying

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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Land Surveyors

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

John R. McAden
Signature

2-10-04
Date